IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No. 14949 of 2015

Karunya University,
rep. By its Director (Trust Affairs),
Karunya Nagar,
Coimbatore 641 114. ...Petitioners

vs.

1. The Commissioner of Town and
Country Planning,
807, Anna Salai,
Chennai 600 002.

2. The Deputy Director of Town and
Country Planning,
Coimbatore Region,
Corporation Commercial Complex,
Dr. Nanjappa Road,
Coimbatore 641 018. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records of the 2nd respondent ending with Roc. No.3129/2012/CR4 dt 8.5.2015 and quash the same and directing the 1st respondent to dispose of the Revision Petition of the petitioner dt 21.4.2015 preferred before the 1st respondent against the order of the 2nd respondent in Roc. No.3129/2012/CF4 dt 6.4.2015 within a time that may be stipulated by this Court.

For petitioner : Mr. Kandhan Duraisami

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

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ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of both the parties, the writ petition is taken up for final disposal.

2. The petitioner - educational institution has come up with this writ petition seeking a direction to the first respondent to dispose of its revision petition dated 21.4.2015 against the order dated 06.04.2015 in Roc.No.3129/2012/CF4 of the second respondent. The petitioner further seeks a Writ of Certiorarified Mandamus to quash the subsequent order dated 08.05.2015 passed by the second respondent on the ground that once the order dated 06.04.2015 was passed on the same issue in respect of the same property, there was no occasion to pass a subsequent order dated 08.05.2015 reiterating the same contents and operative portion of the order dated 06.04.2015. Thus, the subsequent order dated 08.05.2015 deserves to be quashed.

3. We heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. We have examined the pleadings and also the documents appended thereto, carefully.

4. The subsequent order dated 08.05.2015 was passed on the basis of the petitioner's subsequent representation dated 17.04.2015 and also on consideration of certain other documents produced by the petitioner. However, the decision was one and the same. Thus, it cannot be held that the subsequent order dated 08.05.2015 was mere repetition or replica of the first order and as such, the same has to be quashed. Since the petitioner has chosen to prefer revision petition against the order dated 06.04.2015, which is pending consideration before the first respondent, we are not inclined to express any opinion on the merits of the case and also take up the matter for adjudication, at this stage.

5. Thus, we dispose of the writ petition reserving liberty to the petitioner to question the subsequent order also, in the revision, if so advised, under the provisions of law. We further make it clear that the revisional authority shall take up the revision petition at the earliest and decide the same in accordance with law and on its own merits, having regard to the fact situation of the case that a running educational institution is involved. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Town and
   Country Planning,
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   Chennai 600 002.

2. The Deputy Director of Town and
   Country Planning,
   Coimbatore Region,
   Corporation Commercial Complex,
   Dr. Nanjappa Road,
   Coimbatore 641 018.

+1cc to Mr.Muthumani, Advocate, S.R.No.26580

TEJ(CO)
EU(12/06/2015)

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